

December 10, 2012 www.mcvpr.com**RETAIL ALERT*****Inapplicability of the Closing Act to sales by invitation***

The Puerto Rico statute known as the "Closing Act", which regulates the retailers' operating days and hours, was amended in November 16, 2009 to allow certain retail establishments to operate 24 hours continuously from Sunday at 11:01am until the next Sunday at 4:59am. However, the Act provides that those establishments must remain closed from 5:00am until 11:00am and during certain holidays.

On December 4, 2012, the Department of Consumer Affairs (DACO) issued an opinion letter clarifying that the Closing Act does not apply to retail establishments that hold sales by invitation only before 11:00 am on Sundays. The opinion letter explains that the Closing Act only applies to those establishments that are open to the "general public". If they open their doors only to invitees, however, the prohibitions of the Closing Act do not apply. Therefore, retail establishments are free to hold private sales by invitation only on Sundays between 5:00am and 11:00 a.m.

If you have any questions or comments, or wish additional information regarding this matter, please contact any of the following attorneys:

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